

920476-904967

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In the application of : Philip J Christian et al.
Serial No. : 09/991,386
Filed : November 13, 2001
For : Allocating Internet Protocol (IP) Addresses
to Nodes in Communications Networks
Which Use Integrated IS-IS
Examiner : Victor D Lesniewski
Art Unit : 2152
Customer number : 23644

REPLY BRIEF TO EXAMINER'S
REPLACEMENT ANSWER MAILED AUGUST 10, 2007

Honorable Director of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir,

Responsive to the Examiner's Answer mailed August 10, 2007, appellants make the following observations.

REPLY BRIEF

Appellants' submissions made in the Appeal Brief of April 11, 2006 remain entirely pertinent to the issues addressed therein.

Examiner has not demonstrated how each of the limitations of claim 1 are found in *Rekhter* and *Wong*.

Examiner's arguments on pages 8-9 of Examiner's Answer attempt to reason how *Rekhter* shows the limitations set out in step (i) of claim 1. Examiner has analyzed this step of the claim in a manner which breaks it down into short – any consequently, meaningless – segments. In doing so, Examiner is clearly attempting to force a meaning of step (i) which is neither present, nor intended. Examiner takes the phrase “accessing information about one or more potentially available IP addresses” by itself and equates this to the tags in *Rekhter* (see page 8, lines 11-20 of Examiner's Answer). This blatantly forces an unintended meaning onto the claim. Examiner concedes as much at page 8 lines 17-21 of the Answer. Appellants maintain that the tags of *Rekhter* refer to routes between nodes which have already been allocated network addresses. The tag itself does not contain information about “potentially available IP addresses which may be allocated to provide the node with a unique IP address at which the first node may be contacted”, as required by the final part of step (i) of claim 1. Rather, the tag of *Rekhter* is merely a short-cut reference to a route between nodes which have already been allocated a network address.

Regarding Examiner's argument's concerning *Wong*, presented at page 9 of the Answer, Appellants maintain that *Wong* does not disclose allocating an address to a node in an integrated intermediate-system-to-intermediate-system (IS-IS) communications network.

Regarding step (ii) of the claim (page 10 of Answer), Examiner reasons that *Rekhter* clearly states “selecting one of the potentially available IP addresses.” Again, Examiner has not considered step (ii) as a whole. Step (ii) requires “selecting one of the potentially available IP addresses to allocate to the first node”. *Rekhter* does not perform any “selection of an IP address to allocate to the first node.”

Regarding step (iii) of the claim (page 10 of Answer), the tags which *Rekhter* exchanges with other nodes do not include “information about the selected IP address”.

Examiner argues at page 11 of the Answer that “no allocation takes place in the claim”. This is incorrect. Step (ii) of the claim clearly recites “selecting one of the potentially available IP addresses to allocate to the first node”. Considering the embodiment of the invention described on page 9 line 12 – page 10 line 28, a node contacts a server, an IP address is selected by the server at the selecting step (ii) and the selected IP address is distributed to the node at step (iii). Considering the embodiment of the invention described at page 10 line 29 – page 11 line 31, the node allocates itself one of the available IP addresses at the selecting step (ii). The node then informs other nodes of the allocated address at step (iii). The submissions made in the Appeal Brief of April 11, 2006 regarding the failure of *Rekhter* or *Wong* to teach the allocation of a unique IP address to a node remain pertinent.

Examiner’s statement “One of ordinary skill in the art working with packet forwarding in computer networks would clearly understand the packet routing system as set forth in *Rekhter* and would clearly understand how to introduce address allocation into such a system as it is described by *Wong*” set out on page 13 of the Examiner’s Answer is made with a generous dose of hindsight, knowing the improvement described by Appellants.

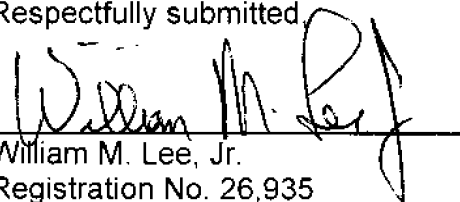
Examiner presents, on page 14 lines 12-21, reasoning for the motivation to combine *Wong* and *Rekhter*. This reasoning is flawed. Examiner's argument runs that "Wong sets forth the need for greater reliability of IP addresses.....His address allocation techniques solve this problem and would be applicable to other packet routing systems (such as Rekhter's system.)" According to this argument, the problem that one of ordinary skill might be motivated to solve (greater reliability of IP addresses) and the solution to that problem (use of trusted identifier) are both found in *Wong*. Examiner has consistently failed to demonstrate motivation to combine the references.

Appellants maintain that one of ordinary skill would not be motivated to combine the teachings of *Rekhter* and *Wong*, and that there is no reasonable expectation of success in doing so. The only similarity in *Rekhter* and *Wong* is that they both relate in some way to packet-forwarding systems, which is an exceedingly broad technical field. *Rekhter* describes a system in which nodes already have been allocated a network address. *Rekhter* is totally silent – as Examiner concedes – as to what the mechanism for allocating addresses to nodes is. As the nodes in *Rekhter* have already been allocated a network address, and *Rekhter* mentions no problem with this, one of ordinary skill has no need to even contemplate looking to art such as *Wong* which describes allocation of IP addresses. The submissions made in the Appeal Brief of April 11, 2006 regarding the disparate technical issues addressed by *Rekhter* and *Wong* remain entirely pertinent.

The applicants therefore urge reversal of the Examiner's rejection of claims 1 to 20, which are believed to define an invention which is both novel and non-obvious having regard to the prior art references relied on by the Examiner, taken alone or in combination.

August 22, 2007

Respectfully submitted

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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